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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,607	12/29/2003	Francois-Xavier Drouet	FR920030014US1	6493

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HOFFMAN WARNICK & D'ALESSANDRO, LLC  
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ALBANY, NY 12207

EXAMINER
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NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2152

NOTIFICATION DATE	DELIVERY MODE
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12/17/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

## Office Action Summary

Application No.

10/747,607

Applicant(s)

DROUET ET AL.

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date None.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is responsive to communications filed on October 1, 2007.

Claim 3 is cancelled, thus claims 1-2 and 4 remain pending in the case.

### ***Response to Arguments***

2. Applicant's arguments filed October 1, 2007 have been fully considered but they are not persuasive.

Applicant's argued that "the user proxy not only receives any request for data from the user, but also receives, from the table, a proxy address of the proxy server that stores the requested data, and subsequently, provides the requested for data to the proxy server in which the requested data is stored. The references cited by the Examiner, taken alone or in any combination, fail to teach or suggest such a "user proxy.""

Examiner respectfully disagree. Ebata teaches the user proxy receives request for data from the user (e.g., the proxy server determines what service is being requested; col. 3: lines 38-49) and also receives, from the table, a proxy address of the proxy serve that stores the requested data (e.g., the domain name server return an IP address which corresponds to an appropriate proxy server; col. 4: lines 58-67). Thus it meets the claims.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calo et al (US 7,127,492), in view of Ebata et al (US 6,513,061).

Regarding claim 1, as shown in Figures 1-8, Calo discloses a data transmission system comprising at least a data transmission network (101; Figure 1) based upon an IP protocol; at least a content server (104; Figure 1) for providing data requested by a user (102, 103; Figure 1) connected to the network; a plurality of proxies (105, 106; Figure 1) having a cache function (701-709; Figure 7), each proxy capable of having stored the requested data (col. 1: line 55 – col. 2: line 2, and col. 5: line 65 – col. 6: line 17), one of the proxies comprising a user proxy which receives any request for data from the user (col. 3: lines 38-49).

Cato also discloses a domain name server for mapping machines names to IP addresses (col. 4: lines 58-64). However, Cato does not explicitly call for converting a server name provided by the user to the user proxy into an IP address of the content server.

Ebata teaches a domain name server (4, 5, and 6) for converting a server name provided by the user to the user proxy into an IP address of the content server (col. 7: lines 34);

wherein the domain name server includes a table (625; Figure 6) for providing an IP address of a proxy amongst the plurality of proxies capable of having stored the requested data, the table providing the proxy IP address to the user proxy, which provides the request for data to the proxy storing the requested data without requesting the data from the content server (e.g., DDNS server 6 refers to the SPS information list 625 which includes the IP addresses and load conditions of each SPS servers and notify the NC3 the IP address of the SPS provided with the most approximate access environment to the NC3; col. 11: lines 16-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Ebata's teaching in Calo's system, in order to curtail loads burdened on the network and a server and provide a comfortable working environment to each client.

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5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calo, in view of Li et al (US 6,854,018).

Calo discloses a method for obtaining data in an optimized way in a data transmission system comprising at least a data transmission network based upon an IP protocol (101); at least a content server (104) for providing data requested by a user (102, 103) connected to the network; a plurality of proxies (105, 106) having a cache function (701-709), each proxy capable of having stored the requested data, and one of the proxies comprising a user proxy which receives any request for data from the user (col. 1: line 55 – col. 2: line 2, and col. 5: line 65 – col. 6: line 17).

Cato also discloses a domain name server for mapping machines names to IP addresses (col. 4: lines 58-64). However, Cato does not explicitly call for converting a server name provided by the user to the user proxy into an IP address.

Li teaches a domain name server for converting a server name provided by the user to the user proxy into an IP address (col. 2: lines 6-11), the method including the steps of:

a) determining if a table stored in the domain name server contains an entry corresponding to the server name provided by the user to the user proxy, (e.g., if the desired object is not in cache 30, proxy server 28 will send requests to appropriate web sites to fetch the objects. Obviously proxy server 28 only can redirect the requests after look-up domain name of that appropriate web site; col. 2: lines 25-31), and

b) determining, when there is such an entry in the table, whether the entry includes an address of a proxy amongst the plurality of proxies (col. 9: line 8 – col. 10: line 40),

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c) returning the proxy IP address to the user proxy if such a proxy IP address is included in the entry corresponding to the server name (Calo, col. 4: lines 58-67), and

d) sending the user request from the user proxy to the proxy IP address included in the entry (e.g., redirect requests to appropriate proxy server; col. 5: lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Li's teaching in Calo's system, in order to curtail loads burdened on the network and a server and provide a comfortable working environment to each client.

Regarding claim 4, Calo-Li also discloses determining whether the user proxy is a known proxy, the user proxy being a known proxy when it is contained in a list of proxies provided to the domain name server at an initialization of the system (Li: col. 2: lines 25-31 and col. 9: line 8 – col. 10: line 40).

### *Conclusion*

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).\\

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

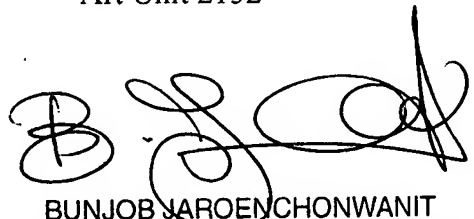
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen  
Examiner  
Art Unit 2152

vkn

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER  
12/10/17